Merchantville, NJ April 14, 2014

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 14, 2014. Mayor Frank North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Fields, Grasso, Brennan, Sperrazza and Perno (arrived 7:36). Clerk Brouse, CFO Moules (arrived 7:46) and Attorney Higgins were present.

PUBLIC

Bill Walker-23 W. Cedar Avenue-Thanks for response regarding budget questions.

APPROVAL OF MINUTES-On a motion of Mr. Sperrazza and second of Mr. Grasso, Council approved the Regular Council meeting minutes for 3/10/14 and Caucus meeting minutes for 2/24/14. On a motion of Mr. Sperrazza and second of Mr. Brennan, with Mr. Grasso abstaining, Council approved the Caucus meeting minutes for 3/24/14.

ENGINEER'S REPORT-None.

CORRESPONDENCE

COUNCIL REPORTS

Mrs. Fields-.HPC-had two applications. Code Enforcement-no report. Fred has been going out for property checks. Spoke to Department heads and said to keep updated. Will meet on Wednesday, April 23rd for department and Code meetings. Have about 30 rentals at Community Center to date. Mulch will be ordered June 23-July 25. Drug Alliance-program almost finished and OEM held meeting and another one in May.

Mr. Grasso- DPW-repair and replace street signs. Court-March- 18,337, 399 disposed 2% ahead. Fire-no problems 11 calls total. April 26th Springfest, June 7th birthday celebration. Police/Fire softball game. Successful egg hunt.

Mr. Brennan-Safety-four events approval, Police 484 calls, 209 arrests, 96 parking, 5 ordinances, April 26th pill pickup, \$12,000 side work, Lexington Avenue project, \$50,000 + for year, received a letter thanking police for assistance. Borough share of police side work was \$20,000 for February, \$40,000 for year to date. Ebay vehicle auction, 1st attempt failed. Budget meeting next week, March 18th.

Mr. Sperrazza-Nothing

Mr. Perno-Met with baseball and created an arrangement to use Community Center for the season, (bathroom and snack bar). YMCA approved for the summer June 23rd to August 15th. Consider hiring summer help to man the Community Center for youth, Vending Machines? Time to look at Capital budget. Shade Tree-move forward on sidewalk grant project.

Clerk's Report- EPA funds approved for Sanitary Sewer project, successful egg hunt, Cleanup day and Arbor Day, April 26th along with police pill drop off. Financial disclosure update, Wellwood Park Snack Bar renovation completed by Eagle Scout complete, Community Center Architect out for RFP, West Maple grant project meeting.

OLD BUSINESS

NEW BUSINESS

APPOINTMENT-Griffin Kidd as alternate for the Planning Board-On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the appointment.

APPROVAL-Use of Facility for American Legion Post 68-On a motion of Mr. Grasso and second of Mrs. Fields, Council approved the use of facility for American Legion Post 68.

APPROVAL-Use of Facility for St. Peter School-On a motion of Mr. Grasso and second of Mrs. Fields, Council approved the use of facility for St. Peter School.

APPROVAL-Use of Facility for children's birthday party-On a motion of Mr. Grasso and second of Mrs. Fields, Council approved the use of facility for children's birthday party.

Discussion-Shredding machine for Department of Public Works.

Resolutions to be read by consent agenda: On a motion of Mrs. Fields and second of Mr. Perno, Council approved the following resolutions by consent agenda:

R14-48 MUNICIPAL BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY FOR THE FISCAL YEAR 2014

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

Summary of General Section of Budget Current Fund

Municipal Purposes within "CAPS"	\$ 3,612,878.83
Municipal Purposes excluded from "CAPS"	\$ 512,868.08
Reserve for Uncollected Taxes	\$ 331,883.71
Total General Appropriations	\$ 4,457,630.62
Less: Anticipated Revenues	\$ 1,870,642.39
Amount to be Raised by Taxation	\$ 2,586,988.23

BE IT FURTHER RESOLVED that said Budget be published by title only in The Retrospect in the issue of April 18, 2014. The Governing Body of the Borough of Merchantville does hereby approve the following as the Budget for the year 2014;

Notice is hereby given that the Budget Resolution was approved by the Borough Council of the Borough of Merchantville, County of Camden, on April 14, 2014.

A Hearing on the Budget and Tax Resolution will be held at Borough Hall on May 12, 2014 at 7:30 o'clock PM at which time and place objections to said Budget resolution for the year 2014 may be presented by taxpayers or other interested parties.

R14-49 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, adoption of the 2014 Municipal Budget has not been approved; and **WHEREAS**, no provision was made in the 2014 Temporary Budget for budget appropriations beyond March 31, 2014; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for operating expenditures when the adoption of the Municipal Budget has been delayed; and

WHEREAS, the total emergency operating expenditures for the second quarter of 2014 are expected to be \$ 935,011.92 for the Current Fund and \$ 79,665.86 for the Sewer Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville in accordance with the provisions of NJSA 40A:4-20 that:

- 1. An emergency temporary appropriation in the amount of \$ 935,011.92 for the Current Fund and \$ 79,665.86 for the Sewer Fund is hereby made.
- 2. That said emergency temporary appropriations have been provided for in the 2014 Municipal Budget.

R14-50 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO CANCEL SPENDING AUTHORIZATION

WHEREAS, certain Sewer Capital Improvement appropriation balances dedicated to projects are no longer required; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund, and unused debt authorizations may be canceled;

NOW THEREFORE, BE IT RESOLVED, by the council of the Borough of Merchantville that the following unexpended and dedicated balances of Sewer Capital Appropriations be canceled:

C-08-55-900-905 Improvement to Sanitary Sewer System 90,000.00

TOTAL 90,000.00

R14-51 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR A TONNAGE GRANT APPLICATION

WHEREAS,	The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a
	Recycling fund from which tonnage grant may be made to municipalities in order to
	encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2013 Recycling Tonnage**Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Borough of Merchantville to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Borough of Merchantville that Merchantville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Brad Stokes to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution R14-52 TCDI Grant: On a motion of Mr. Perno and second of Mr. Grasso, Council approved the following resolution:

R14-52

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION TRANSPORTATION AND COMMUNITY DEVELOPMENT INITATIVE GRANT PROGRAM FOR TOWNE CENTER EAST

WHEREAS the Borough of Merchantville, County of Camden supports the request for planning grant dollars from the Delaware Valley Regional Planning Commission; and

WHEREAS the Borough of Merchantville understands the grant amount requested must provide 20% of the total project cost as match in local, county, state or private fundraiser documented in-kind services; and **WHEREAS** the Borough of Merchantville fully understands the application requirements and contracting process if awarded the planning grant dollars; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Borough of Merchantville HEREBY AUTHORIZES Regan Design Group to prepare the application to be submitted to the Delaware Valley Regional Planning Commission for a grant to be used for the Town Center East Project.

BE IT FURTHER RESOLVED, that the Borough of Merchantville agrees, to, if selected for the TCDI grant to;

- •Engage in contracting procedures including the Request for Proposals and budget allocation;
- ·Sign grant agreement document;
- •Agree to submit reimbursement invoices and progress reports along with necessary supporting documentation on a quarterly basis;
- •Take all necessary action to complete the project associated with the grant agreement within the 24 month timeframe, and submit the final deliverable to DVRPC; and

Provide proof of adoption or acceptance by the governing body through resolution that must be submitted no later than June 30, 2017 to DVRPC. DVRPC will reserve payment of the last 10% of the grant award until such resolution and the final deliverable is received.

ORDINANCES FOR INTRODUCTION ON FIRST READING

Ordinance 14-01 Establish a CAP Bank: On a motion of Mr. Brennan and second of Mr. Perno, the following Ordinance was introduced:

14-01
CALENDAR YEAR 2014
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by

ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$104,144.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$121,501.52, and that the CY 2014 municipal budget for the Borough of Merchantville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be file with said Director within 5 days after such adoption.

Ordinance 14-02 Amend Chapter 29, Fire Prevention: On a motion of Mr. Brennan and second of Mr. Sperrazza, the following Ordinance was introduced:

14-02

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 29, FIRE PREVENTION, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 29, Fire Prevention, is hereby amended to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 29-1 Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.)

ARTICLE II. SECTION 29-2 Agency Designation.

The local enforcing agency shall be the Merchantville Fire Department through its Bureau of Fire Prevention which is hereby created therein. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

ARTICLE III. SECTION 29-3 Duties.

(A) The local enforcing agency shall enforce the Uniform Fire Code in all Buildings, structures, and premises within the established boundaries of the Borough of Merchantville other than one and two unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Federal Government, Interstate Agencies or the State.

(B) The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

ARTICLE IV. SECTION 29-4. Organization.

- (A) The Bureau of Fire Prevention established by Section 2 of this Ordinance shall be under the direct supervision and control of a fire official who shall report to the Fire Commissioner or his designee.
- (B) The Bureau of Fire Prevention shall have at least one paid part-time Fire Official and as many part-time inspectors as required by the Fire Official.

ARTICLE V. SECTION 29-5.

Appointments, Qualifications, Term of Office, Removal.

- (A) **Appointment and Qualifications of the Fire Official**. The fire official shall be appointed by the governing body from a list of three names submitted by the Chief of the Niagara Fire Company. In the event there are no qualified personnel in the Fire Company, the governing body can hire from outside of the Fire Company. The following qualifications to be eligible for the Fire Official: Firefighter I, State of New Jersey Fire Official Cert, Incident Management Level 2, Fire Investigation classes, and five (5) years of experience in the fire service.
- (B) **Appointment and Qualifications of Inspectors and Others Employees**. Inspectors and other employees of the enforcing agency shall be appointed by the governing body upon recommendation of the Fire Official. Inspectors must be firefighter I certified and complete a fire inspector's class and a fire investigation class. All life hazard use inspectors shall be certified by the State.
- (C) **Term of Office**. The fire official shall serve for a term of a minimum of three year. Any vacancy shall be filled for the unexpired term. The fire inspectors shall serve a term of one year. Any vacancy shall be filled for the unexpired term.
- (D) **Removal from Office**. The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

ARTICLE VI. SECTION 29-6. Life Hazard Uses.

The Bureau of Fire Prevention established by Section 2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

ARTICLE VII. SECTION 29-7. Non-Life Hazard Uses.

- (A) In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. Theses uses shall be inspected once per year and pay an annual registration fee.
- 1. **Residential uses** (include buildings with dwelling units not listed as life hazard by the New Jersey Division of Fire Safety, except one- or two-family owner-occupied units):

	R1	One to three units	\$55.00
	R2	Three to seven units	\$90.00
	R3	Eight to thirty five units	\$125.00
	R4	Thirty six to sixty five units	\$225.00
	R5	Sixty six to one hundred units	\$325.00
	R6	Over one hundred units	\$425.00
2.	Single	e Business buildings:	
	(a)	Buildings under 10,000 square feet	
	SB1	One floor business	\$35.00
	SB2	Two floor business	\$50.00
	SB3	Three floor business	\$75.00
	SB4	Four floor business	\$150.00
	(b)	Buildings over 10,000 square feet	
		SB5	\$175.00
3.	Multiple	business buildings:	
	MB1	Each individual business	\$35.00
	MB2	Common Area	\$65.00

MB3 Each Floor

\$100.00

- (B) Residential uses shall be inspected and charged a \$25.00 fee upon change of tenant.
- (C) Uses not classified above that are subject to the Uniform Fire Code will be classified as single business uses
- (D) Uses required to register with the State as life hazard uses shall not be required to register under this section.
- (E) All vacant buildings will be charged and inspected according to the previous use of the building.
- (F) All Abandoned Properties shall be inspected and secured as required by Section 311 of N.J.A.C. 5:70-3, and billed to the owner or a lien to the property.
- (G) The following building or structure, if classified as a non-life-hazard, although not exempt from registration or inspection, will be exempt from paying an inspection fee as pursuant to the act:
 - a. Municipally-owned buildings; and
- b. House of worship (excluding rooms for public assembly, i.e., meeting halls, social halls, rental halls).

ARTICLE VIII. SECTION 29-8.

Permits, Certificate of Code Status and Miscellaneous Fees.

(A) The application fees for the permits listed in N.J.A.C. 5:70-2.7 (a) shall be as provided by State regulation and are currently as follows:

Type 1: \$42.00

Type 2: \$166.00

Type 3: \$331.00

Type 4: \$497.00

- (B) The cost for the issuance of a Certificate of Fire Code Status shall be \$35.00.
- (C) The cost for a Fire Investigation report shall be \$50.00 and copies of any pictures shall be \$25.00.
 - (D) The fine for parking in a fire lane shall be \$100.00.
- (E) Certificate of smoke detector and carbon monoxide alarm (CSDCMAC) as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows
- 1. Requests for CSDMAC received more than 10 business days prior to the change of occupant: \$35.00
- 2. Requests for CSDCMAC received four to 10 business days prior to the change of occupant: \$70.00.
- 3. Requests for a CSDCMAC received fewer than 4 business days prior to the change of occupant: \$125.00.

ARTICLE IX. SECTION 29-9. Fire Lanes.

- (A) Fire lanes will be established and maintained in accordance with Section 503 of N.J.A.C. 5:70-3.
- (B) Any occupied or unoccupied vehicle parked or standing in violation of the provisions of Section 503 of N.J.A.C. 5:70-3, and hindering fire-fighting operations shall be deemed a nuisance and a menace. The Fire Official may fine and provide for the removal and storage of such vehicle. The cost of such removal and storage shall be paid for by the owner of said vehicle before he may regain possession of same.

ARTICLE X. SECTION 29-10. Insurance Reports.

All owners, lessees or tenants of any building or structure damaged by fire and subject to assistance from the Fire Department of the Borough of Merchantville shall report to said Fire Department the name and address of the fire Insurance carrier, the name and address of the insurance agent on such policy and policy limits of coverage. This information shall be supplied to the Fire Official within five days of the date of the fire in question.

ARTICLE XI. SECTION 29-11.

Miscellaneous Regulations.

(A) There is further adopted by the Borough of Merchantville, in the County of Camden and the State of New Jersey, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the 16 volumes of the 1981 Edition of the National Fire Code, including Life Safety Code 101, as compiled by the national Fire Protection Association. Three (3) copies of said code and any amendments, additions or modifications thereto, as herein set forth, have been and now are filed in the Office of the Borough Clerk for the use of and examination by the public.

ARTICLE XII. SECTION 29-12. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Camden County Construction Board of Appeals.

ARTICLE XIII. SECTION 29-13 Enforcement, Violations, And Penalties.

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey. No insurer issuing fire insurance policies in the State of New Jersey shall pay any claims for fire damages in excess of Two Thousand, Five Hundred Dollars (\$2,500.00) on any real property or improvements located within the Borough of Merchantville unless or until the insured person submits an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 et seq., certifying that all taxes, assessments or other municipal liens or charges levied and assessed and due and payable against said property have been paid or the Borough of Merchantville submits a certified copy of a Resolution permitting same.

ARTICLE XIV.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XV.

This Ordinance shall take effect upon its passage and publication according to law.

R14-53 RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND	2013 BUDGET		4,721.56
	2014 BUDGET	1,242.12	88,117.00
	GRANTS		3,334.50
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF		
	EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	3/21/14-4/4/14		141,651.55
WIRES / MANUAL CHECKS			141,788.88
	TOTAL CURRENT	1,242.12	379,613.49
SEWER UTILITY			
CHECKS SEWER FUND	2013 BUDGET		
	2014 BUDGET		2,769.50
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	3/21/14-4/4/14		4,582.13
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
THE THE CHECKS			

	TOTAL SEWER	0.00	7,351.63
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			7,708.16
MANUAL CHECK			7,700.10
WIRE TRANSFERS PAYROLL			33,643.20
	TOTAL CAPITAL	0.00	41,351.36
TOLICT PLIND			
TRUST FUND CHECK TRUST OTHER			
FUND			4,778.24
WIRE TRANSFERS PAYROLL	3/21/14-4/4/14		37,086.56
WIRES / MANUAL CHECKS			22,750.00
	TOTAL TRUST	0.00	64,614.80
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			1,887.00
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL			
	TOTAL SEWER CAPITAL	0.00	1,887.00
RECREATION			
RECREATION			
	TOTAL RECREATION	0.00	0.00
ANIMAL TRUST FUND			10.20
ANIMAL TRUST CHECK		0.00	
	TOTAL ANIMAL TRUST	0.00	10.20
TOTAL BILL LIST &	MANUAL CHECKS/WIRE	1,242.12	494,828.48
		GRAND	
		TOTAL _	496,070.60

ANNOUNCEMENTS

ADJOURNMENT: On the motion of Mr. Perno and second of Mr. Sperrazza, the meeting was adjourned at 8:21 P.M.

Denise Brouse, Borough Clerk